



Joint Statement from NGOs concerning Two Applications under the Land Sharing Pilot Scheme at Nam Sang Wai and She Shan

1. We would like to express our grave concern regarding two recent applications submitted under the Land Sharing Pilot Scheme (LSPS), one at Nam Sang Wai (LSPS-002¹) and the other at She Shan, Lam Tsuen (LSPS-003²). At present, the two application sites and their surroundings are highly rural in nature with significantly low development density. The proposed developments, however, would introduce many high-rise blocks (LSPS-002: 24 to 25 storeys; LSPS-003: 17 to 39 storeys) and large populations (LSPS-002: 10,487; LSPS-003: 33,937) into these two places. Simply speaking, from various perspectives, we have found these two proposals to be completely incomprehensible; our detailed views are presented below.

Ecological issues

2. The application site of LSPS-002 is located to the south of the core wetland area of Nam Sang Wai, and the site itself also encompasses several fish ponds and a watercourse. Indeed, the site is well within the Wetland Buffer Area (WBA) which is primarily delineated to buffer the sensitive and internationally important Deep Bay wetlands³. More importantly, WBA also serves as a flight path/corridor for breeding ardeids to access their foraging grounds within the Wetland Conservation Area (WCA). We are highly concerned that the proposed high-rise blocks would undermine the buffering function which the area is designated to provide, and would have adverse impacts on the breeding ardeids. The core Nam Sang Wai area as well as the channels surrounding the application site are habitats for many waterbird species of high conservation importance, including the globally threatened Black-faced Spoonbill (*Platalea minor*). It is also a winter roosting site for Great Cormorant (*Phalacrocorax carbo*), and is of regional importance. The area also provides habitats

¹ https://www.devb.gov.hk/filemanager/en/content_1154/LSPS_002_Gist.pdf

² https://www.devb.gov.hk/filemanager/en/content_1154/LSPS_003_Gist.pdf

³ https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf

for the Eurasian Otter (*Lutra lutra*), which is of very high conservation concern in Hong Kong and mainland China. These species are in general highly sensitive to human activities. The proposed 9 high-rise blocks ranging from 24 to 25 storeys would become an obvious obstacle to bird flightpaths and impose various impacts such as light and noise disturbance on the relatively low-rise surroundings. The proposed increased population would also greatly increase human disturbance to the above mentioned ecological sensitive receivers in the region.

3. The proposed development at She Shan (LSPS-003) would greatly increase the population of Lam Tsuen Valley by a predicted 1.75 times (population of Lam Tsuen Valley is around 19,369 persons based on 2016 by-census⁴). At present, there are mainly 3-storey village houses in this area. The proposed development, with 28 high-rise blocks (17 to 39 storeys each; not including those for non-residential uses), would completely destroy the landscape and also severely impact the ecology of the area. Within the application site and its surroundings, active and fallow farmlands as well as watercourses can be found; these habitats provide foraging and roosting grounds for various open country bird species of conservation importance (including globally Critically Endangered Yellow-breasted Bunting (*Emberiza aureola*), Vulnerable Japanese Yellow Bunting (*Emberiza sulphurata*)). Furthermore, the existing She Shan Site of Special Scientific Interest (SSSI), which is located less than 10 m from the proposed development boundary and largely covers the She Shan fung shui woodland (FSW), also provides habitats for many plants and fauna of conservation interest (e.g., Blake's Oak (*Cyclobalanopsis blakei*), Brown Wood Owl (*Strix leptogrammica*), Malayan Night Heron (*Gorsachius melanolophus*)). The legally protected Illigera (*Illigera celebica*), which is a larval food plant for the rare butterfly – White Dragontail (*Lamproptera curius*), also inhabits the periphery of this FSW. A recent study has already indicated that street lighting would impose significant impacts on local insect populations⁵ (it has also been clearly demonstrated that street lighting can have serious impacts on other animal groups also). Thus it is not unreasonable to expect that the proposed development, in view of its scale, height and location, would greatly disturb local wildlife populations (e.g., insects, nocturnal birds, and bats).

4. We believe that both LSPS-002 and LSPS-003 would also significantly increase the wildlife road-kill occurrence and bird collisions in the areas of concern, thus imposing another direct impact on wildlife and the local biodiversity.

⁴ <https://www.byccensus2016.gov.hk/en/bc-dp.html>

⁵ <https://www.science.org/doi/10.1126/sciadv.abi8322#pill-info-authors>

Planning issues

5. As aforementioned, the application site of LSPS-002 is within WBA, and development in this area is governed by the Town Planning Board (TPB) guidelines no. 12c³. The proposed development would cover some ponds and a watercourse. As shown in the plans attached to the application gist¹, it seems that a section of the watercourse and also some pond areas would be lost. According to the TPB guidelines no. 12c, there is a ‘no-net-loss in wetlands’ principle in considering development proposals for the Deep Bay Area. Although the applicant claimed in a recent newspaper article⁶ that this principle will be followed, we cannot see, at present, from the only available official document of LSPS-002 (i.e., the gist) how the principle can be adequately upheld under the current development proposal.

6. The application site of LSPS-003 and Lam Tsuen Valley are covered under the Approved Lam Tsuen Outline Zoning Plan (OZP)⁷. The general planning intention section of this OZP states the following:

*Development within the Area is guided by the Territorial Development Strategy Review (TDSR) and the North East New Territories Development Strategy Review (NENT DSR). According to the TDSR and the NENT DSR, **the Area is not identified for strategic growth development**. The general planning policies for the long-term development in NENT **emphasize conservation and landscape protection of the rural hinterland with minimum population growth** other than those accommodated in existing new towns and committed urban development. The existing and committed transport and infrastructural networks will not be capable of sustaining additional growth up to 2011.*

*In view of the development constraints in NENT and the need to conserve/preserve the rural character, the natural landscape and the ecological interest of the Area, **it is intended not to encourage** open storage uses, nor informal industrial development and **residential development in the Area**. **The planning intention for the Area is, therefore, to retain the rural character of the Area by controlling development and promoting agricultural activities, and to allow village expansion in areas where development is considered appropriate.....***

⁶<https://m.mingpao.com/ldy/cultureleisure/culture/20210926/1632596032853/%E5%9B%9E%E6%87%89%E7%AF%87-%E5%9B%9E%E6%87%89%E6%9E%97%E8%B6%85%E8%8B%B1%E3%80%88%E5%9C%9F%E5%9C%B0%E5%85%B1%E4%BA%AB%E4%B9%8B%E5%8D%97%E7%94%9F%E5%9C%8D%E6%95%85%E4%BA%8B%E3%80%89>

⁷ https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_NE-LT_11_e.pdf

7. Looking at the proposed development parameters at She Shan with reference to the above, we consider that the current proposal is simply contrary to the original planning intention of Lam Tsuen Valley.

Public engagement and transparency issues

8. Regarding the issue of public engagement and transparency of LSPS, we can see from various relevant documents the following:

Legislative Council Brief for LSPS (DEVB(PL-CR)1-55/127/1)⁸:

.....LSPS strives to build confidence and safeguard public interest, with transparent mechanism involving third-party opinion offered by the Panel of Advisors to be set up specifically for LSPS. All relevant statutory procedures on town planning and road/sewerage works gazettal, as well as the existing public participation channels under these processes, would continue to apply.....

.....Development Bureau (DEVB) has since the 2019 PA engaged key stakeholders including the Legislative Council (LegCo) Panel on Development, the Real Estate Developers Association of Hong Kong (REDA), the Land and Development Advisory Committee (LDAC), development-related professional institutes, Heung Yee Kuk (HYK), etc. on the proposed framework. The LegCo Panel on Development also convened meeting to receive views from deputations in January 2020.....

Legislative Council Panel on Development Discussion Paper (LC Paper No. CB(1)160/19-20(03))⁹:

.....To uphold transparency, information on LSPS, applications received and progress of each case would be released to the public at different stages. We would publish details of the applications upon receipt and opinions of the Panel of Advisors on individual cases after its deliberation. The existing public participation channels under various statutory procedures in the planning, environment, land resumption and/or works authorisation regimes, etc. would continue as applicable.....

9. We agree that building confidence, safeguarding public interest and upholding

⁸ https://www.devb.gov.hk/filemanager/en/content_1152/LSPS_LegCo_Paper_e.pdf

⁹ <https://www.legco.gov.hk/yr19-20/english/panels/dev/papers/dev20191126cb1-160-3-e.pdf>

transparency are all important components of LSPS as claimed. However, at present we could only find extremely limited information regarding the proposals (i.e., from the gists only) and could not find any detailed technical assessments relating to the potential impacts of the proposal. Without further information, how can the public comment appropriately on the proposals in such environmentally sensitive areas?

'Destroy First, Build Later' issue

10. Some may remember that a case was raised previously as the application site at She Shan was impacted by serious environmental destruction (i.e., land filling), and the 'Notes for Agriculture (AGR) zone' on Outline Zoning Plans were even revised as a result of this case to tackle the problem of filling on AGR-zoned land and to strengthen planning control¹⁰.

11. The TPB has also announced that¹¹:

The Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.....

12. We urge all relevant parties to thoroughly consider whether it is still appropriate to propose any large-scale development at the She Shan site.

Conclusion

13. Under the LSPS there is a criterion called 'Minimum Housing Gain'; its ultimate aim is to boost the gross floor area of each application⁸. While this experimental approach may increase housing supply in some places, we consider that applications with extraordinary high rise and high density development parameters should never appear in totally unsuitable locations, which is an incorrect way to achieve the LSPS criteria. The LSPS is not designed to over-ride all previous Government measures and controls on development but to facilitate a process which still requires careful and fair consideration for the existing communities and sensitive biodiversity.

14. Although the very limited information now available regarding the captioned proposals makes fruitful or fact-based discussion very difficult, our conclusion, based on the information we have in hand, is that the captioned localities, Nam Sang Wai

¹⁰https://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory_council/files/ace_paper9_2005_e.pdf

¹¹ <https://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

and She Shan, are definitely not suitable for developments of such ‘extraordinary’ scale. We also cannot comprehend how the clear potential impacts that would be caused by the proposed developments can be addressed, as detailed assessment reports are lacking from the available information.

15. While we fully understand the public housing need of the underprivileged community in Hong Kong, it is unclear how building houses in fairly remote, rural locations is helpful to the immediate needs, given that they are lacking of basic infrastructures (e.g., adequate public transportation system), and have sensitive surroundings. It is also uncertain how such development can help to sustain the invaluable natural resources for our future generations. We would like to reiterate and emphasise that there are still many suitable land resources for public housing development and many options to increase housing supply, which have already been repeatedly pointed out by various sectors in the society.

16. In view of the above and in order to ensure that the environment for future generations is not to be impacted irreversibly, we, the signatories below, wish to make it clear that we do not support the two captioned proposals.

Co-organised groups (in alphabetical order):

The Conservancy Association

Designing Hong Kong

Green Power

Hong Kong Bird Watching Society

The Hong Kong Countryside Foundation

Kadoorie Farm and Botanic Garden

World Wide Fund For Nature Hong Kong